



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

MOSES LEE SMITH,
Plaintiff,

vs.

T-MOBILE USA, INC., *MetroPCS*,
Defendant.

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CIVIL ACTION NO. 3:17-03211-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
AND GRANTING DEFENDANT'S
MOTION TO COMPEL ARBITRATION AND TO DISMISS,
OR, IN THE ALTERNATIVE, MOTION TO STAY**

This is an action for invasion of privacy, breach of trust, breach of contract, and breach of duty. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant's motion to compel arbitration and to dismiss, or, in the alternative, motion to stay be granted, and the matter dismissed with an order compelling arbitration. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de

novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

“A document filed *pro se* is ‘to be liberally construed.’” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Courts are not, however, required to “conjure up questions never squarely presented to them” or seek out arguments for a party. *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985).

The Magistrate Judge filed the Report on April 5, 2018. ECF No. 30. On April 23, 2018, the Clerk of Court entered Plaintiff’s reply, which was purportedly drafted and mailed April 20, 2018. ECF Nos. 34, 34-1, 34-2. In his reply, Plaintiff consents to the Magistrate Judge’s recommendations. ECF No. 34. Plaintiff states: “[P]laintiff accepts the honorable court’s decision in this matter as he tries to move forward with these proceedings, Plaintiff hopes that the defense can facilitate the arbitration order handed down” *Id.*

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court Defendant’s motion to compel arbitration and to dismiss, or, in the alternative, motion to stay is **GRANTED**, and the matter is **DISMISSED**. The parties are hereby **COMPELLED** to arbitrate this matter.

IT IS SO ORDERED.

Signed this 24th day of April, 2018, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.